Debt Collection Delay

Arizona

Subsection (F) states that medical service providers must cease any debt collection activities
related to a victim who has submitted a claim to the victim compensation program, until the
board has made a decision on the related claim expenses. This should prevent collections
agencies from further contacting a victim who has filed a claim. Collections activity may resume once the board has made a decision on the claim.

Kentucky

**346.135 Collection actions against crime victim for debt related to expense covered under KRS 346.130(3) to cease pending resolution of claim submitted to board. (revision Effective June 25, 2013)**

(1) Upon the filing of an application for a claim with the board, all debt collection actions by a creditor or the creditor's agent, against the claimant for a debt or expense covered under KRS 346.130(3) and related to the substance of the claim shall cease pending a resolution of the claim by the board, if the claimant:

(a) Provides written notice to the creditor or creditor's agent that a claim has been submitted to the board; and

(b) Authorizes the creditor or creditor's agent to confirm with the board the claimant's application with the board and that the debt or expense upon which the collection action is based may be covered under KRS 346.130(3).

(2) The board shall, upon the written request of a creditor or creditor's agent, notify the creditor or creditor's agent when a claim has been resolved.

Maryland

**§ 11-809. Filing of claims.**

 (c)  Debt collection activities stayed pending final decision.-

(1) (i) In this subsection, "debt collection activities" means:

1. repeatedly calling or writing to a claimant and threatening to refer the unpaid health care matter to a debt collection agency or to an attorney for collection; or

2. filing a legal action or pursuing any legal process or legal proceeding.

(ii) "Debt collection activities" does not include routine billing or inquiries about the status of the claim.

(2) When a claimant files a claim under this subtitle, all health care providers, as defined in § 3-2A-01(e) of the Courts Article and in § 4-301(g) of the Health - General Article, that have been given notice of a pending claim shall refrain from all debt collection activities relating to health care, as defined in § 4-301(f) of the Health - General Article, received by the claimant in connection with a claim until a final decision is made by the Secretary on the claim.

(3) On filing by a party of a notice of a claim filed under this subtitle, a court shall stay all proceedings in an action related to health care provided to a claimant in connection with the claim until the court is notified that a final decision on the claim has been made.

(4) Claimants under this subtitle are protected under the Maryland Consumer Debt Collection Act in Title 14, Subtitle 2 of the Commercial Law Article.

(5) (i) A health care provider who receives notice that a claim has been filed under this subtitle may notify the Board in writing of the debt owed by the claimant in connection with the claim.

(ii) If a health care provider notifies the Board under subparagraph (i) of this paragraph, the Board shall notify the health care provider in writing when a final decision is made on the claim.

(6) After a final decision on the claim under this subtitle, a health care provider that has received notice of a pending claim under this subtitle may engage in debt collection activities or file a civil action in court until the later of:

(i) the expiration of the time for filing a civil action in court; or

(ii) 6 months after the date of the final decision on the claim under this subtitle.

Massachusetts

Massachusetts

G.L.c. 258C, §14. When a person files a claim pursuant to this chapter, no health care provider, as defined in section 1 of chapter 111, that has been given notice of the claim shall conduct any debt collection activities relating to medical or dental treatment received by the person in connection with the claim until an award has been made on the claim or until the claim has been denied. The period during which the health care provider shall be prohibited from conducting debt collection activities pursuant to this section shall be excluded in determining the applicable limitations period for commencing an action to collect the debt. For the purposes of this section, ''debt collection activities'' shall mean repeatedly calling or writing the claimant or threatening to turn the matter over to a debt collector, as defined in section 24 of chapter 93, for collection, enforcement or filing of other process; provided, however, that ''debt collections activities'' shall not include the routine billing or inquiries about the status of a claim.

Further 940 CMR 14.10 states that: claim shall conduct any debt collection activities relating to medical or dental treatment received by the person in connection with a claim filed pursuant to M.G.L. c. 258C until an award has been made on the claim or until the claim has been denied.

(a) The applicant shall receive a written notice promulgated by the Division for notification to medical or dental service providers giving them notice that the applicant has applied for compensation pursuant to M.G.L. c. 258C.

(b) The period during which the health care provider shall be prohibited from conducting debt collection activities pursuant to 940 CMR 14.10 shall be excluded in determining the applicable limitations period for commencing an action to collect the debt.

(c) Such protections shall remain in effect until the claim or expense has been denied eligibility through the program and all appeals are exhausted.

Oklahoma

**21 O.S. 142.9G.** All records and information given to the Board to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim shall not be obtainable by any party to any civil or criminal action through any discovery process except:

1. In the event of an appeal under the Administrative Procedures Act from a decision of the Board and then only to the extent narrowly and necessarily to obtain court review;

2. Upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in Board records, the court may inspect in camera such records to determine whether the specific information sought exists in the Board’s records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in the Board’s records.

H. When a person files a claim, all health care providers that have been given notice of a pending claim, shall refrain from all debt collection activities relating to medical treatment received by the person in connection with such claim until an award is made on the claim or until a claim is determined to be noncompensable pursuant to the provisions of this act. The statute of limitations for collection of such debt shall be tolled during the period in which the applicable health care provider is required to refrain from debt collection activities under this subsection. For the purposes of this section, debt collection activities means repeatedly calling or writing to the claimant and threatening either to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term shall not include routine billing about the status of the claim.

South Carolina:

 Section 16-3-1360: Collection activities prohibited

1. When a person files a claim pursuant to this article, a health care provider that has received written notice of a pending claim si prohibited from all debt collection activities relating to medal and psychological treatment received by the person in connection with the claim until an award is made on the claim or the claim is determined to be non-compensable and is denied, or ninety days have passed after the health care provider first received notice of a pending claim. The statute of limitations for collection of the debt is suspended during the period in which the applicable health care provider is required to refrain from debt collection activities.
2. For purposes of this section, ‘debt collection activities’ means repeatedly calling or writing to the claimant and threatening to turn the matter over to a debt collection agency or tao an attorney for collection, enforcement, or filing of other process. The term does not include routine billing or inquiries about the status of the claim.

Vermont:

**§ 5366. Delay in debt collection by health care provider**

**(a) When a person files a claim under this chapter, no health care provider that has been given notice of the claim shall conduct any debt collection activities relating to medical or dental treatment received by the person in connection with the claim until an award is made on the claim or until the claim is determined to be noncompensable pursuant to section 5355 of this title. The period during which the health care provider is prohibited from conducting debt collection activities under this section shall be excluded in determining the applicable limitations period for commencing an action to collect the debt.**

(b) As used in this section:

(1) "Debt collection activities" means repeatedly calling or writing to the claimant and threatening to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term shall not include routine billing or inquiries about the status of the claim.

(2) "Health care provider" shall have the same meaning as in section 9402 of Title 18. (Added 2007, No. 173 (Adj. Sess.), § 3.)

Virginia

[19.2-368.5:2](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+19.2-368.5C2). Effect of filing a claim; stay of debt collection activities by health care providers.

A. Whenever a person files a claim under this chapter, all health care providers, as defined in § [8.01-581.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+8.01-581.1) that have been given notice of a pending claim, shall refrain from all debt collection activities relating to medical treatment received by the person in connection with such claim until an award is made on the claim or until a claim is determined to be noncompensable pursuant to § [19.2-368.11:1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+19.2-368.11C1). The statute of limitations for collection of such debt shall be tolled during the period in which the applicable health care provider is required to refrain from debt collection activities hereunder.

B. For the purpose of this section, "debt collection activities" means repeatedly calling or writing to the claimant and threatening either to turn the matter over to a debt collection agency or to an attorney for collection, enforcement or filing of other process. The term shall not include routine billing or inquiries about the status of the claim.

(2005, c. 683.)

West Virginia

W.Va. Code 14-2A-19a (d) states, in part: "Whenever a person files a claim under this article, the statute of limitations for the collection of unpaid fees paid for such health care services shall be tolled during the pendency of the claim before the court."